

BILL ANALYSIS**RESOURCES AGENCY**

DEPARTMENT California Coastal Commission	AUTHOR Lowenthal	BILL NUMBER AB 989
SPONSORED BY California Coastal Commission	RELATED BILLS	DATE LAST AMENDED 4/12/99
SUBJECT Notice of Violation of Coastal Act		

SUMMARY

AB 989 would permit the Executive Director of the commission to file notice of a violation of the Coastal Act if the Executive Director has determined that real property has been developed in violation of the act. The bill would require a public hearing to be held if the owner submits a timely objection to the filing of the notice of violation, and would require the issuance of a clearance letter if the Commission finds that no violation has occurred. If the Commission determines that a violation has occurred, the bill would require the recordation of the notice of violation with the county recorder in which the real property is located.

The Commission voted to support AB 989 on March 10, 1999.

ANALYSIS

Existing Law: The California Coastal Act of 1976 authorizes the Commission and the Executive Director of the Commission to issue cease-and-desist orders to persons or local governments engaging in or about to engage in actions that violate the act. The Commission also has authority to issue restoration orders for unpermitted development that has already occurred.

Changes Proposed by this Bill: AB 989 would clarify existing law to permit the Executive Director of the commission to file notice of a violation of the Coastal Act if the Executive Director has determined that real property has been developed in violation of the act. The bill would require a public hearing to be held if the owner submits a timely objection to the filing of the notice of violation, and would require the issuance of a clearance letter if the Commission finds that no violation has occurred. If the Commission determines that a violation has occurred, the bill would require the recordation of the notice of violation with the county recorder in which the real property is located.

Discussion: In order to bring an enforcement action under the Coastal Act, the Commission must first determine that the violation has, in fact, occurred, gather the evidence, and request the Attorney General to bring a civil action. However, the Commission's limited budget has forced staff to attempt to resolve only a small percentage of violations. Even if the Commission has the resources to develop cases, time and budget constraints would prohibit the Attorney General from bringing the vast majority of potential civil actions to court. AB 989 would create a cost-effective means of enforcing the act without the expense of a civil action.

DEPARTMENTS THAT MAY BE AFFECTED

California Coastal Commission

STATE MANDATE ☐GOVERNOR'S APPOINTMENT ☐

DEPARTMENT DIRECTOR

☒ S ☐ O
☐ SA ☐ OUA
☐ N ☐ NP
☐ NA ☐ NAR
☐ DEFER TO _____

AGENCY SECRETARY POSITION

☐ S ☐ O
☐ SA ☐ OUA
☐ N ☐ NP
☐ NA ☐ NAR
☐ DEFER TO _____

GOVERNOR'S OFFICE USE

Position approved..... ☐
Position disapproved ☐
Position Noted ☐

DEPARTMENT DIRECTOR

AGENCY SECRETARY

BY _____

DATE _____

